

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS
SEPTEMBER 11, 2001

This document relates to:

Federal Ins., et al

Plaintiffs

v.

Al Qaeda Islamic, *et al.*

Defendants

Case No. 03-cv-06978 (RCC)

**DEFENDANT WAEL JELAIDEN'S ANSWER TO PLAINTIFFS' FIRST
AMENDED COMPLAINT**

Defendant WAEL JELAIDEN ("WJ"), through undersigned counsel, hereby submits his Answer to Plaintiffs' First Amended Complaint ("Complaint.")

PARTIES

1. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 1 - 66.

JURISDICTION

2. WJ denies that this court has jurisdiction over him.
3. WJ does not possess sufficient information to admit or deny the allegations contained in paragraph 68.
4. WJ denies that venue is proper in this district.

FACTUAL BACKGROUND

5. WJ admits the facts alleged in paragraph 70 did occur to the extent said facts are widely and commonly known.

6. WJ admits the facts alleged in paragraph 71 did occur to the extent said facts are widely and commonly known.
7. WJ does not possess sufficient information to admit or deny the allegations in paragraph 72.
8. WJ does not possess sufficient information to admit or deny the allegations in paragraph 73.
9. WJ does not possess sufficient information to admit or deny the allegations in paragraph 74.

ORIGINS OF AL QAIDA

10. WJ does not possess sufficient information to admit or deny the allegations in paragraph 75.
11. WJ does not possess sufficient information to admit or deny the allegations in paragraph 76.
12. WJ does not possess sufficient information to admit or deny the allegations in paragraph 77.
13. WJ does not possess sufficient information to admit or deny the allegations in paragraph 78.

GENERAL ALLEGATIONS COMMON TO ALL CHARITY DEFENDANTS

14. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 79 - 83.

BENEVOLENCE INTERNATIONAL FOUNDATION

15. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 84 - 90.
16. WJ denies the allegations contained in paragraph 91.

17. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 92 - 99.
18. WJ does not possess sufficient information to admit or deny the allegations in paragraph 100.
19. WJ does not possess sufficient information to admit or deny the allegations in paragraph 101.
20. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 102 - 112.

THE MUSLIM WORLD LEAGUE

21. WJ admits to the facts alleged in paragraph 113 to the extent that the Muslim World League was founded in 1962. WJ does not possess sufficient information to admit or deny the rest of the allegations in paragraph 113.
22. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 114 - 116.
23. WJ affirms in part and denies in part the contents of paragraph 117. WJ does not possess sufficient information to admit or deny the first two allegations in paragraph 117. WJ admits the third allegation to the extent he served as Director General and member of the Board of Trustees of Rabita Trust. WJ denies the Rabita Trust was a financial arm of MWL. WJ denies he is a founding member of al Qaida. WJ admits he was designated by the US Department of Treasury, although he denies the basis for his designation. WJ does not possess sufficient information to admit or deny the rest of the allegations in paragraph 117.

24. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 118 - 124.
25. WJ does not possess sufficient information to admit or deny the allegations in paragraph 125. To the extent that paragraph 125 states that the United Nations' mission in Kosovo declared that the SJRC in Pristina, Kosovo served as a cover for several Al Qaida operatives, this statement is a legal conclusion that does not warrant a response and in the alternative, WJ does not possess sufficient information to admit or deny said conclusion.
26. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 126 - 129.

INTERNATIONAL ISLAMIC RELIEF ORGANIZATION (IIRO)

27. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 130 - 149.

WORLD ASSEMBLY OF MUSLIM YOUTH

28. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 150 - 166.

AL HARAMAIN ISLAMIC FOUNDATION

29. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 167 - 179.

SAUDI HIGH COMMISSION

30. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 180 - 189.

SAUDI RED CRESCENT SOCIETY

31. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 190 - 192.
32. WJ does not possess sufficient information to admit or deny the allegations presented in paragraph 193. WJ denies, however, that he served as an officer of the Saudi Red Crescent for many years, and continued to fill that role following the establishment of Al Qaida.
33. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 194 - 195.
34. WJ does not possess sufficient information to admit or deny the rest of the allegations in paragraph 196.
35. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 197 - 202.

SAUDI JOINT RELIEF COMMITTEE FOR KOSOVO AND CHECHNYA

36. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 203 - 204.
37. WJ does not possess sufficient information to admit or deny the allegations presented in paragraph 205. WJ denies, however, that he was an Al-Qaida operative.
38. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 206 - 207.

RABITA TRUST

39. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 208 – 211 as they relate to WJ.
40. WJ affirms in part and denies in part the contents of paragraph 212. WJ denies he was a founding member of Al Qaida. WJ does not possess sufficient information to admit or deny the first allegation of said paragraph. WJ admits the second allegation in said paragraph to the extent that WJ was the head of Rabita Trust.
41. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 213 - 216 as they relate to WJ.

GLOBAL RELIEF FOUNDATION

42. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 217 - 221.

THE SAAR NETWORK

43. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 222 - 232.

BLESSED RELIEF (MUWAFaq) FOUNDATION

44. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 233 - 237.

TAIBAH INTERNATIONAL AID ASSOCIATION

45. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 238 - 252.

AL QAIDA'S PARTNERS IN THE INTERNATIONAL BANKING SYSTEM

46. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 253 - 258.

THE AL TAQWA FINANCIAL NETWORK

47. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 259 - 269.

AL BARAKAAT GROUP

48. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 270 - 274.

AL RAJHI BANKING AND INVESTMENT GROUP

49. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 275 - 284.

NATIONAL COMMERCIAL BANK

50. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 285 - 297.

AL BARAKA INVESTMENT AND DEVELOPMENT CORPORATION

51. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 298 - 306.

DAR-AL-MAAL AL ISLAMI

52. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 299 - 312.

FAISAL ISLAMIC BANK – SUDAN

53. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 300 - 319.

AL SHAMAL ISLAMIC BANK

54. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 320 - 333.

TADAMON ISLAMIC BANK

55. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 334 - 342.

DUBAI ISLAMIC BANK

56. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 343 - 350.

ISLAMIC DEVELOPMENT BANK

57. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 350 - 356.

ARAB BANK, PLC

58. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 357 - 364.

SAUDI AMERICAN BANK

59. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 365 - 375.

AL QAIDA'S SPONSORS AND PARTNERS IN THE BUSINESS COMMUNITY

60. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 376 - 397.

KINGDOM OF SAUDI ARABIA, SAUDI ROYAL FAMILY AND SAUDI ELITES

61. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 398 - 508.

SUDAN

62. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 509 - 516.

SYRIAN ARAB REPUBLIC

63. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 517 - 524.

THE ISLAMIC REPUBLIC OF IRAN

64. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 525 - 535.

REPUBLIC OF IRAQ

65. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 536 - 540.

PLAINTIFF'S INJURIES

66. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 541 - 597.

CLAIMS

COUNT I

PLAINTIFFS v. ALL DEFENDANTS

TRESPASS

67. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 598 - 603. The allegations in paragraphs 598 - 603 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT II

PLAINTIFFS v. ALL DEFENDANTS

WRONGFUL DEATH

68. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 604 - 606. The allegations in paragraphs 604 - 606 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT III

PLAINTIFFS v. ALL DEFENDANTS

SURVIVAL ACTION

69. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 607 - 609. The allegations in paragraphs 607 - 609 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT IV

PLAINTIFFS v. ALL DEFENDANTS

ASSAULT AND BATTERY

70. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 610 - 613. The allegations in paragraphs 610 - 613 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT V

PLAINTIFFS v. ALL DEFENDANTS

INTENTIONAL AND/OR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

71. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 614 - 617. The allegations in paragraphs 614 - 617 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT VI

PLAINTIFFS v. ALL DEFENDANTS

TORTURE VICTIM PROTECTION ACT

72. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 618 - 622. The allegations in paragraphs 618 - 622 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT VII

PLAINTIFFS v. ALL DEFENDANTS

CONSPIRACY

73. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 623 - 626. The allegations in paragraphs 623 - 626 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT VIII

PLAINTIFFS v. ALL DEFENDANTS

18 U.S.C. § 1962(A) – CIVIL RICO

74. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 627 - 629. The allegations in paragraphs 627 - 629 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT IX

PLAINTIFFS v. ALL DEFENDANTS

AIDING AND ABETTING

75. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 630 - 633. The allegations in paragraphs 630 - 633 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT X

PLAINTIFFS v. ALL DEFENDANTS

18 U.S.C. § 2333

76. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 634 - 638. The allegations in paragraphs 634 - 638 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT XI

PLAINTIFFS v. ALL DEFENDANTS

NEGLIGENCE

77. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 639 - 643. The allegations in paragraphs 639 - 643 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT XII

PLAINTIFFS v. ALL DEFENDANTS

PUNITIVE DAMAGES

78. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 644 - 646. The allegations in paragraphs 644 - 646 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

- 79.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

Plaintiffs' claims fail to state a claim against WJ for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

(Causation)

There is no causal connection between any of WJ's activities and plaintiffs' injuries.

THIRD AFFIRMATIVE DEFENSE

(Causation)

No act or omission of any agent, servant, or employee of WJ proximately caused any harm or damages to plaintiffs.

FOURTH AFFIRMATIVE DEFENSE

(Other Tortfeasors)

Plaintiffs' damages and injuries were caused by other individuals or entities who are, or are not, named as parties to this action.

FIFTH AFFIRMATIVE DEFENSE

(Improper Venue)

This Court is not the proper venue for plaintiffs' claims against WJ.

SIXTH AFFIRMATIVE DEFENSE

(Subject Matter Jurisdiction)

This Court does not have subject matter jurisdiction over plaintiffs' claims against WJ.

SEVENTH AFFIRMATIVE DEFENSE

(Personal Jurisdiction)

This Court does not have personal jurisdiction over WJ.

EIGHTH AFFIRMATIVE DEFENSE

(Estoppel)

Plaintiffs are estopped from receiving the relief requested against WJ.

NINTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

Plaintiffs' claims against WJ are barred, in whole or in part, by the applicable statute of limitations.

TENTH AFFIRMATIVE DEFENSE

(Punitive Damages)

Plaintiffs' claims for punitive damages against WJ are barred because WJ's activities, as alleged by plaintiffs, were not committed with intent, malice, willful and outrageous conduct aggravated by evil motive, or reckless indifference, and none of WJ's activities in any way were intended to, or did harm, the plaintiffs in this action.

ELEVENTH AFFIRMATIVE DEFENSE

(No Double Recovery)

Plaintiffs' claims for compensatory and punitive damages are barred to the extent that some plaintiffs are also seeking recovery against WJ, for the same or similar claims, in the civil actions comprising the multi-district entitled *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (RCC), pending in the United States District Court for the Southern District of New York.

TWELFTH AFFIRMATIVE DEFENSE

In response to plaintiffs' claims, WJ intends to invoke any other defenses, including, affirmative defenses, as they may become apparent through discovery, and reserve the right, in accordance with the Federal Rules of Civil Procedure and the Local

Civil Rules of the United States District Court for the Southern District of New York, to assert such defenses.

THIRTEENTH AFFIRMATIVE DEFENSE

The Central Intelligence Agency, The Federal Bureau of Investigation, and other agencies of the United States government had information and resources at their disposal to prevent the September 11, 2001, attacks from occurring. But for their failure to utilize this information and these resources, WJ would not be a named defendant in this action because the September 11th tragedy would never have occurred.

WHEREFORE, WJ requests that the Plaintiffs' First Amended Complaint be dismissed with prejudice as to WJ, and the Court award attorney's fees and costs to WJ in defending this case with no factual or legal basis against WJ, and award any other relief that the Court deems just under the circumstances.

Respectfully submitted,

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